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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,884

02/27/2002

Alin D'Silva

01-1002

2137

32127

7590

03/01/2005

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/083,884

Applicant(s)

D'SILVA ET AL.

Examiner

Barry W Taylor

Art Unit

2643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

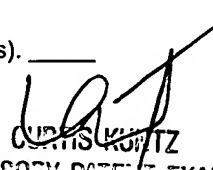
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


CURTIS KOZITZ
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Continuation Sheet (PTO-303)

The Examiner reviewed Applicant's remarks and amendments to claims but does not place the application in condition for allowance because:

a) Independent claim is improper because it is listed as "Previously Presented" but has markings under the comma on line 5. Appropriate action requested.

b) Applicant's change claim language of claims 9, 17 and 24 to be directed towards "authenticating the called party" which is completely different from previous claim language thereby requiring further search and consideration.

c) Amendment to independent claim 10 wherein new claim language of "receiving, from the called party, an indication of one location, from among a plurality of locations, to which communications to the called party are to be directed" and "indicated location" changes the scope of claim language thereby requiring further search and consideration.

d) Regarding Applicants remark on page 12, second to last paragraph, paper dated 2/15/05, regarding claims 1, 11 and 18 wherein Applicants contend that Schwartz does not teach PC.

The Examiner notes that Applicants independent claims 1, 11 and 18 are general in nature in that any "telephone device" associate with called party used. Applicants have already admitted that Schwartz only provides caller identification information to the same device which the telephone call is directed (see Applicants previously

amended claims, paper dated 6/25/04, Amendment "A", page 20, second full paragraph).

e) Next, Applicants argue (see paper dated 2/15/05, last paragraph on page 12 and continuing to top of page 13) that Milewski does not send caller Id information to called party's PC. Rather, Milewski sends a "voice-announcement call request signal".

The Examiner notes that Schwartz uses "instant messaging" (see paragraphs 0025-0026 and tables 1 and 2) but fails to teach providing calling party information on a second device associated with the called party. Milewski is not strictly limited to "voice-announcement call request signal" as argued by Applicant. Instead, Milewski discloses that names along with telephone numbers may also be displayed (col. 5 lines 38-52 and figure 2).

f) Next, Applicants argue newly added claim limitations of independent claim 10 (see paper dated 2/15/05, bottom of page 13). The Examiner notes that the newly amended claim language clearly requires further search and consideration.

The Examiner notes that Castagna also teaches a computer that is "always-on" used to display caller id information, including caller name or location (see at least col. 2 lines 36-55).

g) Applicants argue newly amended claims 9, 17 and 24 (paper dated 2/15/05, bottom of page 14) wherein the called party is now authenticated verses authenticating calling parties.

The Examiner notes that it is extremely well known to authenticate subscribers when providing "on-line" services, especially if the device is "always-on".